REMARKS

Claims 7, 15 and 23 are amended herein. Claims 7, 8, 15, 16, 23 and 24 remain pending in the application. Claims 1-6, 9-14 and 17-22 have been canceled.

Claims 7, 8, 15, 16, 23 and 24 over Sweitzer and Feuser

In the Office Action, claims 7, 8, 15, 16, 23 and 24 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,570,915 to Sweitzer et al. ("Sweitzer") in light of Feuser *et al.* ("On the Effects of IEEE 802.3x Flow Control in Full-Duplex Ethernet LANs, 1999)("Feuser"). The Applicants respectfully traverse the rejection.

Claims 7, 8, 15, 16, 23 and 24 recite a system and method of performing calibration between a first node and a second node based on a determined calibration value, the calibration value determined from at least one of available criteria comprising a noise measurement value, a propagation delay value and a bit rate error value, with one of the first node and the second node issuing a network lock command during the adjustment of the second node transceiver.

In previous office actions, the Examiner indicated that claims 7, 8, 15, 16, 23 and 24 were allowable. In the July 27, 2007, Office Action, however, the Examiner claimed that it was widely known in the art at the time of Applicant's invention to issue network lock commands from particular nodes on the network, as evidenced by at least Feuser.

As the Examiner acknowledges (Office Action, p. 3), Feuser appears to disclose pausing network communications at certain nodes on the network at a particular time in order to help reduce congestion and improve the performance of the data streams. Feuser therefore discloses issuing network pause commands as part of a network flow control scheme during network operation. Feuser does not disclose or suggest issuing network pause commands to prevent interference from other nodes during the adjustment of a

network node. During this period, there would be no need to issue network pause commands as part of a network flow control scheme because there would be no network congestion. Thus, even assuming that Feuser and Sweitzer are properly combinable, they do not disclose or suggest a system and method of performing calibration between a first node and a second node based on a determined calibration value, the calibration value determined from at least one of available criteria comprising a noise measurement value, a propagation delay value and a bit rate error value, with one of the first node and the second node issuing a network lock command during the adjustment of the second node transceiver, as recited by claims 7, 8, 15, 16, 23 and 24.

Accordingly, for at least all the above reasons, claims 7, 8, 15, 16, 23 and 24 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 7, 8, 15, 16, 23 and 24 over Shober in light of Ang and Feuser

In the Office Action, claims 7, 8, 15, 16, 23 and 24 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Shober in view of U.S. Patent No. 6,424,630 to Ang ("Ang") and further in view of Feuser. The Applicants respectfully traverse the rejection.

As noted, claims 7, 8, 15, 16, 23 and 24 recite a system and method of performing calibration between a first node and a second node based on a determined calibration value, the calibration value determined from at least one of available criteria comprising a noise measurement value, a propagation delay value and a bit rate error value, with one of the first node and the second node issuing a network lock command during the adjustment of the second node transceiver.

Schober at col. 2, lines 43-45 discloses "the following parameters are among the parameters that may be adjusted in a link". Thus, "speed of a signal" is a parameter that is adjusted by Schober; it is not a basis of an adjustment.

Schober at col. 2, lines 46-59 discloses parameters that are adjusted Lines 57-59 discloses one of these parameters as "the relative delay between individual data lines in the link, in order to reduce skew between parallel data bits that arrive on each end of the link". Thus, relative delay is a parameter that is adjusted by Schober to compensate for skew.

As Applicants previously pointed out, Schober at col. 2, lines 66-67 disclose what criteria are used as the bases for any adjustments, *i.e.*, "stimuli measurement methods include ... comparing the timing of the signal transitions with known reference timing signals". Thus, Schober discloses timing of signal transitions that are compared with known reference timing signals as a basis to determine appropriate parameter settings for a link. However, timing of signal transitions does not equate to any of a noise measurement value, a propagation delay value and a bit rate error value, as recited by claims 7, 8, 15, 16, 23 and 24.

The Examiner acknowledged that Schober fails to disclose adjustment of a node transceiver being based on a noise measurement value (see Office Action, page 4). However, the reason Schober fails to disclose such an adjustment is that Schober's invention is completely unrelated to the type of optimization that Applicant's claims are directed toward, *i.e.*, based on at least one of available criteria comprising a noise measurement value, a propagation delay value and a bit rate error value, as recited by claims 7, 8, 15, 16, 23 and 24.

The Examiner relied on Ang to allegedly make up for the deficiencies in Schober to arrive at the claimed features. The Applicants respectfully disagree.

Ang's invention is directed toward compensating for signal distortion within a telephone wire network (see col. 4, lines 29-45). An adaptive physical layer transceiver architecture adaptively adjusts the signal processing circuitry on a receive side and a transmit side to optimize accurate recovery data from the transmitted network signals (see col. 4, lines 46-50). A common mode

voltage used to drive an input amplifier within a receiver is adjusted to compensate for signal distortion (see col. 5, lines 1-55).

Thus, Ang's invention is receiver/transmitter centric, *i.e.*, adjusting a receiver's/transmitter's characteristics to compensate for signal distortion within the receiver/transmitter. Ang's invention is unrelated to optimizing the transfer of data between nodes. Ang fails to disclose or suggest a system and method of performing calibration between a first node and a second node based on a determined calibration value, the calibration value determined from at least one of available criteria comprising a noise measurement value, a propagation delay value and a bit rate error value, with one of the first node and the second node issuing a network lock command during the adjustment of the second node transceiver, as recited by claims 7, 8, 15, 16, 23 and 24.

Thus, Schober in view of Ang fails to disclose or suggest a system and method of performing calibration between a first node and a second node based on a determined calibration value, the calibration value determined from at least one of available criteria comprising a noise measurement value, a propagation delay value and a bit rate error value, with one of the first node and the second node issuing a network lock command during the adjustment of the second node transceiver, as recited by claims 7, 8, 15, 16, 23 and 24.

The Examiner also acknowledges that Schober and Ang fail to disclose issuing a network lock command from a first or second node of a network. The Examiner relies on the state of the art known at the time of invention as shown by Feuser. As discussed above, Feuser does not disclose or suggest issuing network pause commands to prevent interference from other nodes during the adjustment of a network node. Thus, even if one assumes that Schober, Ang and Feuser are properly combinable, the authorities either alone or in combination do not disclose or suggest a system and method of performing calibration between a first node and a second node based on a determined calibration value, the calibration value determined from at least one of available criteria comprising a noise measurement value, a propagation delay value and a bit rate error value, with one of the first node and the second node issuing a
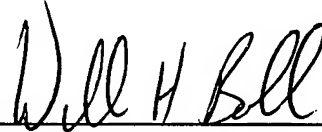
network lock command during the adjustment of the second node transceiver, as recited by claims 7, 8, 15, 16, 23 and 24.

Accordingly, for at least all the above reasons, claims 7, 8, 15, 16, 23 and 24 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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